



**Sprint Nextel**

2001 Edmund Halley Drive

Reston, VA 20191

Office: (703) 433-8525 Fax: (703) 433-4142

Mobile: (703) 926-5933

May 15, 2007

BY ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
The Portals  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Re: *Amendment of Parts 1, 21, 73,74, and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands, Order on Reconsideration and Fifth Memorandum Opinion and Order, WT Docket 03-66*

*Request by Globalstar, Inc. To Expand Its Ancillary Terrestrial Component (ATC) Authority To Encompass Its Full Assigned Spectrum, RM No. 11339*

Notice of Ex Parte Presentation

Dear Ms. Dortch:

On behalf of Sprint Nextel Corporation (Sprint Nextel), Lawrence Krevor, Nicole McGinnis, and I met yesterday with the legal advisors identified below to discuss issues pending in the above-referenced dockets.

Consistent with views previously discussed in these dockets, we explained the need for: (1) regulatory certainty in the Commission's licensing policies; (2) rules that prevent harmful interference to the 2.5 GHz band in general and the 2496-2500 MHz band in particular; and (3) timely transition of all previously licensed 2.5 GHz spectrum and timely public access to unassigned 2.5 GHz spectrum.

The attached presentation supplements and elaborates on these issues. Please associate this submission with the above-referenced dockets.

Sincerely,

Trey Hanbury, Esq.  
Director, Sprint Nextel Corporation

CC: Erika Olsen, Bruce Liang Gottlieb, Barry Ohlson, Aaron Goldberger, Angela E. Giancarlo



### Sprint Nextel Spectrum

800MHz	900MHz	1.9GHz	2.5GHz
800MHz	900MHz	1.9GHz	2.5GHz
800MHz	900MHz	1.9GHz	2.5GHz
800MHz	900MHz	1.9GHz	2.5GHz
800MHz	900MHz	1.9GHz	2.5GHz

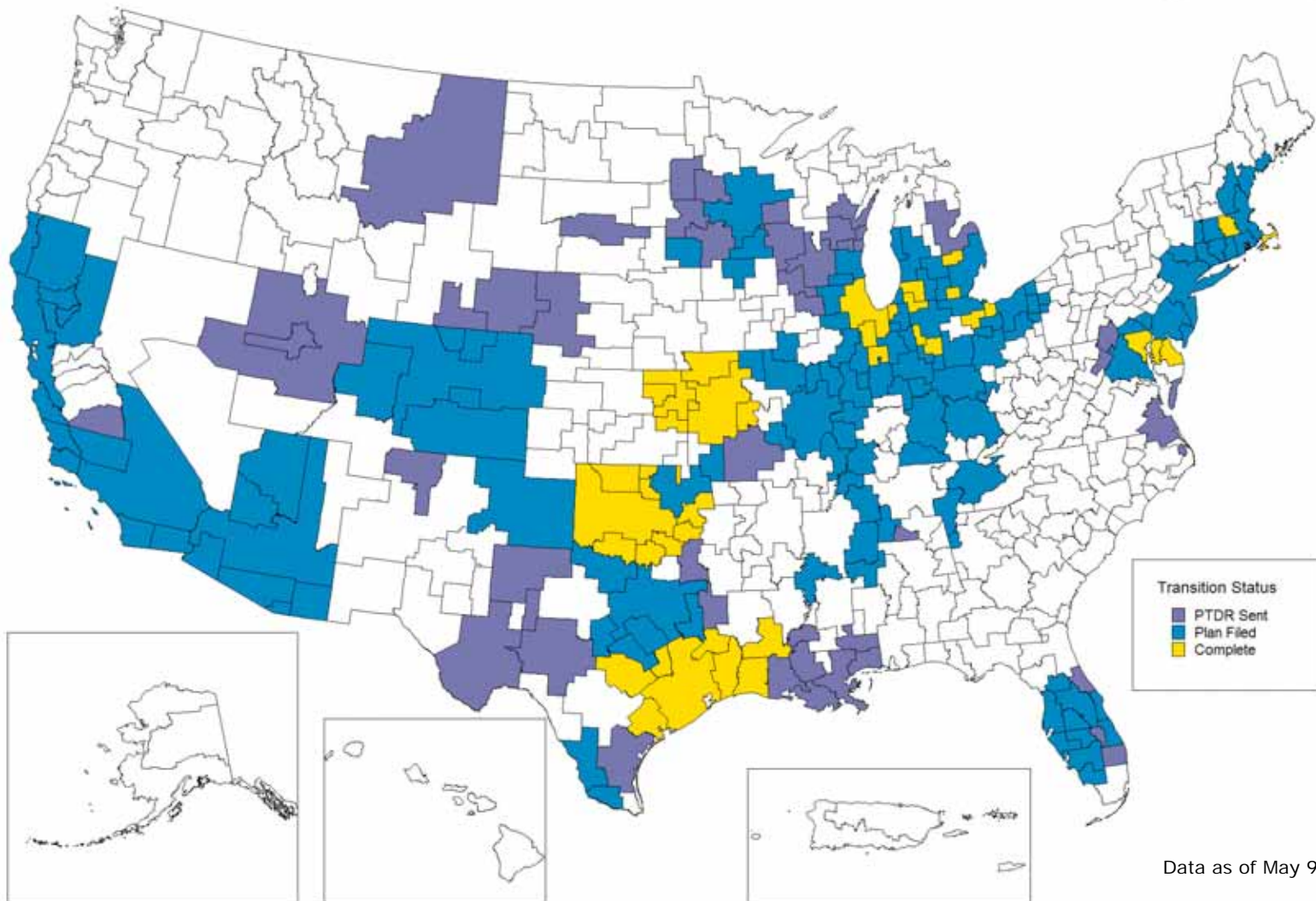


Together with NEXTEL

# Accelerating Wireless Broadband Deployment

May 14, 2007

# Sprint Nextel's Progress Transitioning the 2.5 GHz Band



Data as of May 9, 2007

# Sprint Nextel's Progress Transitioning the 2.5 GHz Band



	Pre-Transition Data Request Sent	Initiation Plan Filed	Transition Completed – Post Transition Notice Filed
Basic Trading Areas (BTAs)	214	169	41
Population (in Millions)	185.2	167.6	28.2

# Reaffirm 2006 BRS-EBS Decisions that Promote Regulatory Certainty



- The Commission should uphold “splitting the football” as a means of establishing exclusive geographic service areas for licensees with overlapping territory.
  - > Scattered and varying requests to revisit the applicability of this rule only create confusion and delay 2.5 GHz wireless broadband deployment.
  - > Parties may negotiate alternative settlements if they choose.
- The Commission should affirm its longstanding policy of leaving the interpretation of privately negotiated contracts to the courts.
  - > The Commission should decline requests by HITN and Clarendon to engage in blanket interpretations of individual lease terms.
  - > Parties are free to negotiate and reach private settlements, or otherwise bring their contractual disputes to court for resolution.
- The Commission should uphold its decision to provide proponents with an opportunity to develop a BTA-wide plan and provide EBS licensees with a cost-free transition.
  - > A proponent-driven process is more efficient and equitable.
  - > Premature self-transitions will disrupt the smooth and expeditious transition of the 2.5 GHz band. EBS self-transitions should be permitted only after the deadline for filing initiation plans has passed.

# BRS-EBS White Space Auction Timing



- The Commission holds substantial BRS-EBS spectrum resources in reserve.
- The Commission either never licensed this spectrum during the site-based licensing period or subsequently recaptured the spectrum resources following licensee non-payment, bankruptcy or malfeasance.
- To accelerate broadband deployment, the Commission should auction all remaining EBS and BRS spectrum by **January 2008** or as soon as practicable thereafter.
  - > The Commission should release a public notice seeking comment on auction procedures such as activity rules, upfront payment amounts, minimum opening bids and/or reserve prices by **June 2007** or as soon as practicable thereafter.
  - > BRS and EBS spectrum need not be auctioned simultaneously, particularly if EBS auction preparations will require additional time.
  - > When auctioning recaptured BRS BTA licenses, no reason exists to hold separate auctions for areas with incumbents as opposed to those without incumbents.
  - > The Commission *should not* auction only one EBS white space license per BTA.
  - > Input from the educational community should figure heavily into any EBS white space auction plan. This process must begin soon to ensure a full vetting of the issues.



# Ensure a Seamless Transition for Operational 2.1 GHz Licensees



- The 2006 *BRS-EBS Reconsideration Order* prohibits certain BRS licensees from simultaneously operating on both the 2.1 GHz band and on 2.5 GHz replacement frequencies prior to the completion of the transition.
- To ensure a seamless transition, BRS licensees must be afforded sufficient flexibility to operate concurrently on 2.1 GHz as well as on their replacement 2.5 GHz frequencies.
- BRS 1-2 licensees should not be required to “flash cut” operations in the 2.1 GHz band, which would disrupt service to subscribers.

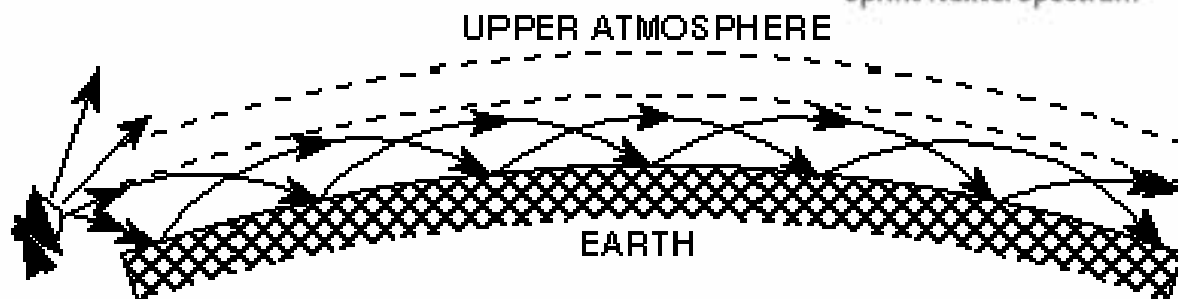
# Adopt a Prior Coordination Requirement for New AWS Entrants



- Sprint Nextel provides highly reliable wireless broadband service to over 16,000 subscribers using BRS 1-2 spectrum.
- The Commission's 2006 *BRS 1-2 Relocation Order* does not sufficiently protect existing wireless broadband subscribers from harmful interference from new AWS entrants.
- To ensure that consumers have continued access to broadband services, AWS new entrants in the 2110-2150 GHz band should provide incumbent BRS 1-2 licensees with notice and coordination *prior to deployment of new operations*.
- A prior coordination requirement represents a reasonable and cost-effective means of addressing interference concerns:
  - ✓ In this very proceeding, the Commission has required AWS new entrants to coordinate with fixed service links prior to deployment.
  - ✓ Prior coordination procedures have enjoyed longstanding success in other contexts.
- Broadband subscribers should not be forced to suffer "actual and demonstrable interference" before AWS entrants must address any problems their deployments will create.



# Reaffirm Decision Not to License 2.5 GHz Operations in the Gulf of Mexico



- Operations near large bodies of water are extremely problematic in the 2.5 GHz band because ducting phenomena that occur during certain seasons of the year cause signals to travel long distances in unpredictable ways, greatly increasing the risk of interference.
- The American Petroleum Institute has sought reconsideration of the FCC's decision not to create a Gulf of Mexico service area.
- The creation of Gulf of Mexico service area, however, would greatly increase the potential for harmful interference throughout the southeastern coastal areas and into many northern states.